

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

QUINTERO COMMUNITY
ASSOCIATION, *et al.*,

Plaintiffs,

v.

FEDERAL DEPOSIT INSURANCE
COMPANY AS RECEIVER FOR
HILLCREST BANK, *et al.*,

Defendants.

Case No. 4:11-cv-00893-DGK

**SEPARATE DEFENDANTS WHEELER,
ASNER, BLITT, CAMPBELL, J. FINGERSH, P. FINGERSH, WHITE,
DEGEN, GERVY, RICHARDS, DAVIES, LIEBERMAN, FORGEY, DAVIS,
HOLDEMAN, SCHWARTZKOPF, GALLATIN, SCHNEIDER AND HILLCREST
BANCSHARES' MOTION TO DISMISS PLAINTIFFS' OMNIBUS PETITION**

COME NOW Defendants Jeffrey F. Wheeler, Scott I. Asner, Irwin Blitt, Robert J. Campbell, Jack N Fingersh, Paul S. Fingersh, Gerald M. White, G. Richard Degen, Tim Gervy, Joel Richards, Thomas J. Davies, George A. Lieberman, Jon Forgey, Nicole Davis, Wanda Holdeman, Dan Schwartzkopf, Sue Gallatin, Brian K. Schneider, and Hillcrest Bancshares (collectively, "Movants"), by and through undersigned counsel, pursuant to Federal Rule of Civil Procedure 12(b)(6) and 12(e), and move to dismiss the Omnibus Petition filed by Plaintiffs (ECF Doc. 56) and move to be dismissed as parties from this action because a) Plaintiffs have failed to comply with this Court's Order requiring them to "clearly and concisely" state their claims against these Defendants and b) said Petition fails to state a claim for relief against them that is plausible on its face.

The Suggestions in Support of this motion filed herewith are incorporated by reference herein.

Respectfully submitted,

LEWIS, RICE & FINGERSH, L.C.

By: /s/ Thomas R. Larson

Thomas R. Larson, MO # 26114

1010 Walnut, Suite 500

Kansas City, Missouri 64106

Telephone: 816-421-2500

Facsimile: 816-472-2500

E-mail: trlarson@lrf-kc.com

ATTORNEY FOR DEFENDANTS WHEELER,
ASNER, BLITT, CAMPBELL, J. FINGERSH, P.
FINGERSH, WHITE, DEGEN, GERVY,
RICHARDS, DAVIES, LIEBERMAN, FORGEY,
DAVIS, HOLDEMAN, SCHWARTZKOPF,
GALLATIN, SCHNEIDER, AND HILLCREST
BANCSHARES

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by first-class mail, postage prepaid, and via the Court's ECF system on this 20th day of July, 2012, upon:

Linus L. Baker
6732 West 185th Terrace
Stillwell, KS 66085-8922
Attorney for Plaintiffs

Steve M. Leigh
Robert D. Kroeker
Desarae G. Harrah
Martin, Leigh, Laws & Fritzlen, P.C.
900 Peck's Plaza
1044 Main Street
Kansas City, MO 64105
Attorneys for FDIC as Receiver for Hillcrest Bank

/s/ Thomas R. Larson

Attorney for Certain Defendants